

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

JEFFERSON COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

No. 4:20-cv-1937-SRW

MEMORANDUM AND ORDER

This matter is before the Court upon the request of plaintiff Joseph Michael Devon Engel, prison registration number 1069055, for leave to commence this civil action without prepayment of the filing fee.¹ Plaintiff's request will be denied, and this case will be dismissed without prejudice to the filing of a fully-paid complaint.

Plaintiff is a prisoner who, while incarcerated, has filed at least three civil actions that were dismissed on the grounds they were frivolous, malicious, or failed to state a claim upon which relief may be granted.² The Prison Litigation Reform Act of 1996 provides, in relevant part:

In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

¹ In the body of the complaint, plaintiff requests leave to proceed *in forma pauperis*.

² On September 9, 2020, plaintiff began filing civil actions *in forma pauperis* in this Court. To date, he has initiated over 130 civil actions. As of December 22, 2020, at least three were dismissed for one of the reasons enumerated in 28 U.S.C. § 1915(e)(2). See *Engel v. Governor of Missouri, et al.*, No. 1:20-cv-217 HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America, et al.*, No. 4:20-cv-1742 MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258 SPM (E.D. Mo. Dec. 21, 2020); *Engel v. Missouri Department of Corrections, et al.*, No. 4:20-cv-1430 AGF (E.D. Mo. Dec. 22, 2020); *Engel v. Probation and Parole of Missouri, et al.*, No. 4:20-cv-1740 DDN (E.D. Mo. Dec. 22, 2020). In *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020), the Court cautioned plaintiff to avoid the practice of repeatedly filing frivolous and malicious complaints.

28 U.S.C. § 1915(g). “A prior dismissal on a statutorily enumerated ground counts as a strike even if the dismissal is the subject of an appeal.” *Coleman v. Tollefson*, 575 U.S. 532, 135 S. Ct. 1759, 1763 (2015). An otherwise ineligible prisoner may be eligible to proceed *in forma pauperis* only if he is in imminent danger at the time of filing. *Ashley v. Dilworth*, 147 F.3d 715, 717 (8th Cir. 1998).

Plaintiff filed the instant complaint against the Jefferson County Sheriff’s Office, the Jefferson County Prosecuting Attorney’s Office, and the Hillsboro Police Department. He avers he is a sovereign citizen. In setting forth his statement of claim, plaintiff writes: “This is in regards to how Jefferson County has slander certain people that I know and some I don’t calling us snitchs it almost got me killed and could of got any of us that I am putting in this lawsuit [*sic*].” Plaintiff then provides a long list of names. Plaintiff seeks “700 trillion dollars” in relief. He also lists the names “CCM Vaughan, CO1 Pickett and CO1 Rick,” and states he seeks \$5 million from each. Plaintiff does not allege those individuals engaged in any misconduct.

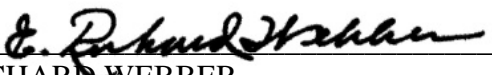
Plaintiff’s allegations do not establish imminent danger of serious physical injury at the time of the filing of the complaint. At best, plaintiff’s allegations establish that he faced a risk of harm in the past, which is insufficient. *See id.* As a result, plaintiff may not proceed *in forma pauperis* in this action. The Court will therefore deny his request for leave to proceed *in forma pauperis*, and will dismiss this case without prejudice to the filing of a fully-paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff may not proceed *in forma pauperis* in this action.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice to the filing of a fully-paid complaint. A separate order of dismissal will be entered herewith.

Dated this 26th day of January, 2021.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE